Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	
Establishing the Digital Opportunity Data Collection	WC Docket No. 19-195
Modernizing the FCC Form 477 Data Program	WC Docket No. 11-10

COMMENTS OF ALASKA COMMUNICATIONS

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Summary

Alaska Communications provides voice and broadband service in Anchorage, Fairbanks, and Juneau, as well as scores of rural and Bush communities located throughout the state. Alaska Communications has accepted Connect America Fund ("CAF") Phase II frozen support from the Commission and, in connection with that support, has committed to offer broadband service meeting the CAF requirements in qualifying Alaska census blocks by the end of 2025. In identifying potentially eligible CAF Phase II locations, Alaska Communications has gained significant insights into both the substantial burden of collecting granular broadband deployment data, and the value these data could produce.

In these comments, Alaska Communications urges the Commission to implement its new polygon-based approach to gathering broadband availability data in ways that minimize the burden, particularly on small broadband service providers. Specifically, the Commission should implement its decision to require separate polygons for each combination of upload/download speed according to speed tiers, potentially corresponding to those used in the CAF Phase II auction, without distinguishing among platform technologies, rather than requiring a separate polygon for literally every minor speed increment and platform technology that is technically available to the customer. Alaska Communications has deployed broadband using a mix of fiber, copper, and fixed wireless technologies, but its customers typically view the actual performance and reliability of the service as far more important than the underlying platform. The Commission should sunset the Form 477 as soon as the polygon reporting process comes into effect.

Alaska Communications believes that the Commission should establish a set of safe harbor modeling approaches. The company is meeting a substantial portion of its CAF Phase II broadband deployment obligations using fixed wireless service and has gained first-hand experience with the numerous factors outside of its control that can affect broadband

performance or coverage. A set of safe harbor assumptions, such as those proposed in the record by WISPA, would help ensure uniformity and consistency.

The Commission should not require reporting of latency. The Commission is poised to receive a significant body of latency data under its CAF Phase II and Rural Digital Opportunity Fund compliance reporting rules. The additional burden of measuring and reporting latency across the nation, particularly for small providers, far exceeds any incremental benefit to be gained from the additional data.

Furthermore, the Commission should establish a streamlined process for correcting polygon errors or addressing coverage disputes by permitting service providers to incorporate those updates in their next-scheduled semi-annual polygon update due at least 30 days after receiving notice of the error or dispute. Such corrections should not lead to financial or other penalties, at a minimum unless there is evidence of intentional or negligently persistent misreporting of broadband coverage.

Finally, while Alaska Communications agrees that the commission should develop a broadband-serviceable location fabric, doing so will present substantial and costly challenges in Alaska. The Commission should not impose the cost of mapping broadband-serviceable locations on service providers, but should establish a mechanism to compensate them for their extraordinary costs of assisting with the mapping effort.

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Alaska Communications, on behalf of its affiliates that are subject to broadband coverage reporting of the geographic availability of broadband networks and service under the newly adopted Digital Opportunity Data Collection ("DODC"), hereby offers the following comments in the above-captioned dockets in response to the Notice of Proposed Rulemaking (the "Notice")[1] that accompanied the *DODC Order*. In the *DODC Order*, the Commission directs USAC to develop a new portal that will require fixed broadband service providers to submit geographic footprints or polygons (in GIS-compatible format) showing where they have broadband-capable networks and where they make available broadband service meeting minimum FCC criteria. The Notice seeks comment on the implementation of the DODC, enhancing the accuracy of the data to be collected in the DODC, the transition from existing Form 477 data collection, extending broadband reporting to mobile wireless broadband networks and services, and improving the information available on satellite broadband deployment.

While more detailed broadband network and service deployment data can be useful, Alaska Communications is concerned that producing these data will be a great burden,

[1] *Establishing the Digital Opportunity Data Collection*, WC Docket No. 19-195, Report and Order and Notice of Proposed Rulemaking, FCC 19-79 (rel. Aug. 6, 2019). These comments refer to the Report and Order portion of this document as the "*DODC Order*."

particularly on small broadband service providers. Therefore, Alaska Communications urges the Commission to take steps to minimize and mitigate this burden, as discussed below.

Background

As the recipient of Connect America Fund ("CAF") Phase II frozen support, Alaska Communications has committed to offer broadband service meeting the CAF requirements to qualifying Alaska census blocks which in most cases are not served by an unsubsidized competitor by the end of 2025.[2] As part of that commitment, Alaska Communications is permitted to offer service to a limited number of unserved customer locations in partially-served census blocks. Unique among service providers receiving CAF Phase II support, Alaska Communications was required to complete its initial planning and provide the Commission with a list of the eligible census blocks and locations to which it could deploy CAF II services within the ten-year term prescribed by the Commission no later than May 6, 2019, following conclusion of the challenge process for partially-served census blocks.[3]

The company's extensive experience identifying potentially eligible CAF Phase II locations, pursuing the Commission-mandated challenge process to confirm the eligibility of some of those locations, and documenting its completed deployments for locations served by December 31, 2018, has given Alaska Communications significant insights into both the burden

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[2] *Connect America Fund*, WC Docket No 10-90, Order, 31 FCC Rcd 12086 (2016) ("*Alaska Communications CAF Phase II Order*").

[3] The deadline for the 10-year deployment plan was initially October 1, 2018. *Alaska Communications CAF Phase II Order.* This was extended to allow for completion of the challenge process for partially-served census blocks. *Connect America Phase II Challenge Process*, WC Docket No. 14-93, Order, DA 18-999, 33 FCC Rcd 8908 (Wireline Competition Bur. 2018), ¶21 (allowing Alaska Communications an extension of time to file its CAF II Plan until 60 days after resolution of the challenge process for the remaining unserved locations in partially-served census blocks proposed by Alaska Communications) ("*Alaska Communications First Challenge Process Order")*; *Connect America Fund,* WC Docket No 10-90; *Connect America Phase II Challenge Process*, WC Docket No. 14-93, Order, DA 19-144 (Wireline Competition Bur. rel. March 5, 2019), ¶21 (ordering Alaska Communications to submit its proposed CAF II Plan 60 days from the effective date of that order) ("*Alaska Communications Second Challenge Process Order")*.

of collecting granular broadband deployment data, and the value that could be derived from "understanding where broadband is available and where it is not," particularly in the case of non-ILEC deployment and service availability.

Discussion

In these comments Alaska Communications focuses primarily on two areas of inquiry raised in the Notice: implementation of the polygon filing requirement, and development of enhanced broadband-serviceable location data. Alaska Communications urges the Commission to pursue each goal in a way that avoids placing large compliance burdens on small service providers. Alaska Communications also describes some of the problems USAC has had verifying the location-specific data collected so far, under the CAF program rules, and urges the Commission to learn from the shortcomings that have come to light thus far. Lastly, Alaska Communications urges the Commission to reduce the burden of the transition from the Form 477 data collection to the DODC.

A. The Commission Should Established Streamlined Processes for Filing and Updating Service Area Polygons

In the *DODC Order*, the Commission adopted a requirement that USAC develop a new portal through which all fixed broadband service providers will be required to submit broadband coverage maps (polygons) depicting the areas where they make fixed broadband service available to end-user customer locations, with separate polygons required for each combination of download speed, upload speed, and technology, and to show distinctions between residential-only, business-only, and residential-and-business services.[4] The Notice seeks comment on several questions regarding the implementation of this decision.

[4] *DODC Order* at ¶¶ 11-12.

1. The Commission Should Establish Speed Tiers that May Be Depicted in a Single Polygon

The Notice acknowledges that the burden of generating detailed polygons, and seeks comment on "steps the Commission can take to improve the quality of fixed broadband coverage polygons while minimizing the associated reporting burdens."[5] As one such step, Alaska Communications urges the Commission to establish a tiered series of download and upload speed ranges that may be depicted with a single polygon.

Partly because of the high cost of service in many areas of the state, Alaska Communications offers subscribers the flexibility to purchase many of its broadband services in small bandwidth increments.[6] This is particularly true for broadband services targeted to business or enterprise customers. Even in Anchorage, some areas have access to higher bandwidth services than others. Some areas are served by fiber, some by copper, and still others by fixed wireless. It would be extremely burdensome for Alaska Communications to develop and maintain a separate polygon for every possible combination of download and upload speed, platform technology, and target customer. Alaska Communications estimates that it would need to devote at least one additional full-time regulatory staff member to accomplish this task alone.

To help mitigate this burden, Alaska Communications urges the Commission to establish bandwidth tiers (each covering a reasonable range of bandwidths) that may be represented by a single polygon. As one possible example, the Commission could model these speed tiers on

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[5] Notice at ¶ 77.

[6] Illustrating the principle, Alaska Communications has submitted rates to the Regulatory Commission of Alaska for Transparent LAN service in ten bandwidth increments ranging from 512 kbps to 1 Gbps in Anchorage. The company's Anchorage MPLS rates cover 38 bandwidth increments ranging from 1 Mpbs to 1 Gbps. *See* "Urban Rates for 2019," *available at:* http://rca.alaska.gov/RCAWeb/Documents/Telecomm/RHCS/RHCS_FY2019.pdf.

those used for the CAF Phase II auction. Under such an approach, a fixed provider would be permitted to submit:

- One polygon showing areas with availability of broadband service offering less than 10 Mbps downstream and 1 Mbps upstream ("10/1 Mbps");
- A separate polygon showing areas with availability of broadband service offering at least 10/1 Mbps;
- A separate polygon showing areas with broadband service offering at least 25 Mbps downstream and 3 Mbps upstream ("25/3 Mbps");
- A separate polygon showing areas with broadband service offering at least 100 Mbps downstream and 20 Mbps upstream ("100/20 Mbps"); and
- A separate polygon showing areas with broadband service offering at least 1 Gbps downstream and 500 Mbps upstream ("1 Gbps/500 Mbps").[7]

Adopting such a tiered approach would reduce the burden on service providers, while consolidating substantial amounts of largely repetitive and potentially unwieldy data into a more uniform and accessible format for use by the Commission and the public.

2. The Commission Should Not Require Separate Polygons for Each Technology Deployed for Each Speed Tier

Alaska Communications questions the benefit to be derived from requiring broadband providers to submit separate polygons for each combination of download speed, upload speed, *and technology*. In the experience of Alaska Communications, very few customers place weight on the technology platform used to deliver broadband service as long as service provider reliably delivers the promised performance. Indeed, both the Communications Act and existing Commission policy indicate that the Commission should be "technology-neutral" with respect to broadband deployment. Section 706 of the Telecommunications Act of 1996, for example,

[7] *Connect America Fund*, WC Docket No. 10-90, Report and Order and Order on Reconsideration, FCC 17-12, 32 FCC Rcd 1624 (2017), at ¶ 17.

requires the Commission to examine availability and deployment of "advanced telecommunications capability" and to do so "without regard to any transmission media or technology."[8] Moreover, the Commission in CAF Phase II, for example, has required service providers accepting support to meet specific speed, latency, and usage metrics, but has remained steadfastly agnostic as to the technology a service providers chooses in doing do.[9] Technology is rarely specified in individually negotiated contracts with sophisticated enterprise customers having internal reasons for specifying a particular technology. The terms of mass market service typically do not guarantee that service will be provided via any particular technology. Nor is such information particularly useful to stimulating competition – price and the performance characteristics of the broadband service are the fundamental drivers of competition, not the technologies that may be deployed.

Moreover, technologies are often used in combination, and are changing at a rapid pace, as service providers upgrade and expand their networks and adapt to changing market conditions. In virtually 100 percent of the communities where it has deployed broadband, Alaska Communications has deployed a mix of fiber, copper and fixed wireless technologies in its

[8] 47 U.S.C. § 1302(d); *see also Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 18-238, 2019 Broadband Deployment Report, FCC 19-44, 34 FCC Rcd 3857 (2019), Statement of Commissioner Michael O'Rielly (arguing that the Commission should be evaluating fixed and mobile broadband services "from a technology neutral standpoint").

[9] *See, e.g., Connect America Fund*, WC Docket No. 10-90, Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 14-54, 29 FCC Rcd 7051 (2014), at ¶ 154 ("We emphasize that wireless providers are free, and indeed encouraged, to participate in Connect America Phase II, and fixed wireless already is an option for the delivery of service in Phase II under the framework established by the Commission in the USF/ICC Transformation Order. What is important from the consumer's perspective is the quality of the user experience and the price of the service offering, not the specific technology used to deliver service.")

broadband deployment. Thus, complying with a technology-specific polygon filing requirement would greatly increase the burden of complying with the DODC.

Rather than submitting separate polygons for each combination of speed tier and technology platform, the Commission should simply require providers to annotate each polygon for each speed tier, listing all of the technology types – fiber, copper, fixed wireless, etc. – that are used anywhere in that polygon.

3. The Commission Should Establish Safe Harbor Technical Standards for Reporting Fixed Wireless

Alaska Communications is meeting a large portion of its CAF Phase II broadband service commitment using fixed wireless technology. That technology allows the company to offer broadband more quickly and efficiently in Alaska's sparsely populated rural, remote, and high-cost areas than it could by deploying closed pathways, such as fiber, to every location. In the Notice, the Commission seeks comment on a range of technical standards to be used for reporting fixed wireless broadband coverage polygons.[10]

Especially in light of the Commission's decision to accept crowdsourced input from the public on the accuracy of broadband polygons,[11] Alaska Communications believes that it is vital for the Commission to adopt reliable safe harbor standards for reporting fixed wireless coverage. The experience of Alaska Communications reveals that coverage and broadband performance can vary widely with factors beyond its control. For example, Alaska Communications has learned that, in summer, maturing foliage may reduce the range of its fixed wireless base station radios,

[10] Notice at ¶ 80.

[11] *DODC Order* at ¶¶ 18-20.

creating seasonal variations in its broadband service.[12] Changing weather, new construction, or tree growth may also affect coverage over time.

In order to provide a reliable and uniform standard for reporting fixed wireless coverage, Alaska Communications believes that the Commission should adopt the fixed wireless safe harbor proposal submitted by the Wireless Internet Service Providers Association ("WISPA").[13] The WISPA proposal would provide a uniform standard that accounts for the differences, not only between fixed and mobile wireless broadband services, but also for differences in the performance, assumptions, and modeling approach across the range of licensed and unlicensed spectrum bands used for fixed wireless broadband services.

4. The FCC Should Not Require Reporting of Latency

The Notice seeks comment on whether the Commission should require broadband service providers to report latency levels associated with broadband service, observing that the Commission considers this metric "relevant in the provision of universal service."[14] Alaska Communications believes that such reporting would be burdensome, broadly unnecessary, and unjustifiable based on any small incremental benefit the information might yield. Because the

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[12] *See, e.g., Alaska Communications Internet, LLC, Petition for Partial Waiver of Section 15.407(a)(3) of the Commission's Rules*, ET Docket No. 18-282, *Ex Parte* Letter from Richard R. Cameron on behalf of Alaska Communications Internet, LLC (filed June 7, 2019), at 1 (explaining that emerging spring and summer foliage is impeding fixed wireless signals); *see also* Petition for Waiver of Alaska Communications Internet, LLC, ET Docket No. 18-282 (filed Sept. 6, 2018), at n.12 ("Conifers are marked by the presence of needles, on the order of 3-15 cm long and a few millimeters in diameter. At 2 or 5 GHz, the needles mainly affect propagation when they happen to be aligned with the polarization of the incoming radiation. If the foliage is dense, unobstructed paths through the trees [that are] large compared with the wavelength are unlikely.") (*quoting* Bruce Alan Fette *et al.*, *RF & Wireless Technologies* (Newnes 2008), at 208-09).

[13] *See Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, *Ex parte* Letter from S. Jenell Trigg on behalf of WISPA (filed Oct. 22, 2018), Attachment: "FCC Form 477 Propagation Methodology for Fixed Wireless Providers."

[14] Notice at ¶ 81.

Notice does not propose any specific methodology, frequency, or scale of latency testing, including whether such testing would need to be adapted for service providers serving non-contiguous portions of the nation,[15] it is difficult to ascertain just how great the compliance burden would be, but it is bound to be a heavy one, particularly for small providers. The benefits in excess of those already available from testing under CAF Phase II and the future RDOF, in contrast, are negligible.

While Alaska Communications acknowledges that the Commission has used latency in connection with high-cost universal service support under CAF Phase II, that fact cannot justify a nationwide expansion of the CAF Phase II latency testing and reporting requirements here. In creating CAF Phase II, the Commission required service providers accepting support to offer broadband with "sufficiently low latency to enable use of real-time applications, such as VoIP," and observed that, "[t]he Commission's broadband measurement test results showed that most terrestrial wireline technologies could reliably provide latency of less than 100 milliseconds."[16] In creating the CAF Phase II auction, the Commission again used the 100 ms metric to establish "high latency" and "low-latency" service tiers, in order to permit service providers that use geostationary satellite broadband platforms to compete alongside terrestrial providers in a single auction, because the Commission was "willing to entertain bids from entities that can only provide high latency, in the interest of making this auction as competitive as possible."[17] Having

[15] *Connect America Fund*, WC Docket No. 10-90, Order, DA 18-710, 33 FCC Rcd 6509 (Wir. Comp. Bur. 2018) ("*CAF Phase II Performance Testing Order*"), at ¶ 21, *reconsideration pending.*

[16] *Transformation Order* at ¶ 96; *see also* 47 C.F.R. § 54.308(a) (latency requirements for rate-of-return carrier recipients of high-cost support).

[17] *Connect America Fund*, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, FCC 16-64, 31 FCC Rcd 5949 (2016), at ¶ 33.

done so, the Commission has an understandable interest in protecting the integrity of the auction by ensuring that bidders in the low-latency tier comply with the attendant 100 ms latency limit.

While latency testing is thus important in establishing CAF Phase II compliance, few consumers would choose among broadband providers based on minor variations in latency, assuming all were compatible with the use of real-time applications.[18] Indeed, Alaska Communications is not aware of any latency complaints from its broadband customers. Available data already reveal that terrestrial broadband services largely meet that standard,[19] and the Commission is poised to receive a substantial volume of latency data from compliance filings under the CAF Phase II and RDOF programs.[20] As a result, Alaska Communications believes that the Commission should not impose the burden of more widespread latency reporting obligations, until it has had an opportunity to review the forthcoming data to ascertain whether they reveal significant variability in latency that would impair the use of real-time applications.

B. There Should Be a Process for Correcting Erroneous Polygon Coverage Data, And Mere Errors Should Not Lead to Penalties

In the *DODC Order*, the Commission directed USAC to accept crowdsourced broadband coverage data from state, local, and tribal governmental entities, as well as members of the public.[21] Under this process, these parties will have the opportunity to dispute the accuracy of

[18] *See Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 18-238, 2019 Broadband Deployment Report, FCC 19-44, 34 FCC Rcd 3857 (2019), at ¶ 19 (finding that latency is not relevant to the baseline question of "whether advanced telecommunications capability has been deployed and made available" under Section 706).

[19] *Transformation Order* at n.146 (reporting that "[f]iber-to-the-home ha[s] a latency averaging 17 milliseconds, and DSL range[s] as high as approximately 75 milliseconds").

[20] 47 C.F.R. § 54.309(a); *CAF Phase II Performance Testing Order* at ¶ 27.

[21] *DODC Order* at ¶¶ 18-20.

broadband coverage polygons filed by service providers. The Notice seeks comment on several implementation issues.[22]

1. The Commission Should Focus Its Dispute Process on Improving the Accuracy of the Polygon Maps, Not on Penalizing Service Providers for Errors

Except where there is a finding of intentional or negligently persistent misreporting, there should be no sanctions for coverage errors.[23] Neither the Commission nor USAC should exercise any enforcement authority to impose compliance penalties when reporting entities are attempting in good faith to file accurate and timely information and promptly update it when they become aware of errors.

In the experience of Alaska Communications, location information (especially for locations in extremely rural areas, often with no road address) is inherently difficult to capture. Inconsistencies often occur between the service provider's description of a location and the information presented by a third party or USAC. It is essential, therefore, that the portal USAC creates permit service providers to amend reported network and service location information as better information becomes available. Until now, this has been extremely difficult to do.

Especially in the case of fixed wireless broadband service, the outer limit of the signal contour that can support delivery of broadband is inherently imprecise. While Alaska Communications is engineering its network to ensure that its fixed wireless customers will receive at least 10 Mbps, in compliance with the CAF Phase II requirements, the customer may experience faster speeds depending, from day to day or from season to season, on a variety of issues that affect the signal contour or capacity generally, such as seasonal fluctuations in foliage, transient weather conditions, or the number of other customers that are using the service.

[22] *See generally* Notice at ¶¶ 83, 88-98.

[23] Notice at ¶ 83.

But, whether the customer experiences the broadband speed and performance indicated by a particular polygon may also rest on site-specific operation and maintenance conditions that are difficult or impossible to forecast, such as how high an antenna mast the customer is willing to tolerate at the service location, whether that antenna remains properly aligned, or the construction materials used in his home, condition of his inside wiring, or placement of his wireless router. Many of these issues would also affect broadband delivered over closed pathways, such as fiber, as well.

Alaska Communications already has processes for receiving and addressing customer complaints, backstopped by informal complaint processes at the Commission. It can take Alaska Communications up to three months or more to fully understand the customer's concern, and identify its source. As a result, if USAC were to require a particularly rapid response from the service provider, it would likely be incomplete in many cases.

Thus, while crowdsourced information can be valuable in understanding the extent of broadband deployment, improving the accuracy of coverage polygons, and even in identifying the location of additional broadband-serviceable structures, information submitted by third parties should not trigger a "complaint" process, as it is termed in the Notice.[24] To the extent that the Commission envisions meting out financial penalties or other sanctions against service providers, these should be limited to cases of intentional or negligent misreporting on a systematic basis, and should be addressed through the Enforcement Bureau's established investigative process, with opportunity for due process. Providers should be encouraged to correct errors, whether identified internally or by a third party. This correction process should not be used to bludgeon service providers acting in good faith with unnecessary penalties.

[24] *E.g.*, Notice at ¶¶ 89-90.

2. "Bulk" Disputes Should Be Accepted, If at All, Only from State, Local, or Tribal Governments

In the Notice, the Commission seeks comment on whether USAC should accept "bulk" filing of coverage challenges.[25] Alaska Communications is extremely concerned that such bulk challenges from private participants in a competitive commercial market could be lodged in bad faith, either to harass, gain competitive advantage, cast doubt on the quality or availability of a competitor's services, or for other malicious reasons.[26]

Moreover, such bulk challenges could ultimately delay correction of legitimate coverage errors, because they could prevent service providers from focusing on identifying and correcting genuine errors or network problems. Thus, Alaska Communications believes that USAC should accept such challenges, if at all, only from state, local, and Tribal governmental bodies that do not themselves compete in the market against private sector broadband service providers.

3. The Commission Should Streamline the Public Coverage Dispute Process with a Focus on Producing Accurate Data

In the Notice, the Commission seeks comment regarding operating procedures that will best implement its determination to accept crowdsourced coverage disputes.[27] Alaska Communications urges the Commission to develop streamlined procedures focused on identifying and correcting errors that minimize the response burden on service providers.

First, a party lodging a coverage dispute should provide USAC with all information necessary to enable the service provider to make a meaningful evaluation of the issue. Alaska Communications agrees with the Commission that such information includes "the address of the location at which coverage is disputed and/or its coordinates (latitude and longitude); the fixed

[25] Notice at ¶¶ 97-98.

[26] *Id.* at ¶ 97.

[27] Notice at ¶¶ 88-96.

provider whose service coverage is in dispute; the download and upload speeds available for subscription; and contact information from the submitting party (e-mail address and/or phone number)," as well as a certification that the party has unsuccessfully requested the disputed service.[28] It should also include a description of the party's understanding, if any, of the reasons why the service provider refused or failed to deliver the requested service within the applicable 10-business day period.

Second, service providers should be required to review coverage disputes arising from public input and make any necessary update to the polygon service boundary in its next scheduled semi-annual polygon update.[29] Further, the cut-off period for responding should be at least thirty days prior to the next scheduled semi-annual polygon update. Such a process review is consistent with the purpose of the dispute process to vet coverage polygons. In contrast, the service provider should not be required to respond individually within a set period to each dispute received with USAC. Such a requirement ultimately would duplicate or supplant the established customer service processes that broadband service providers already have in place and would unnecessarily increase the burden of these rules, particularly on small providers with limited resources.

Third, while Alaska Communications agrees that USAC should track coverage disputes, it should not be given adjudicatory authority over these disputes, as proposed in the Notice.[30] Tracking, for example, will enable the Commission to monitor the performance of the polygon reporting framework itself, for example as a way of identifying systemic issues with the polygon

[28] Notice at ¶ 91.

[29] *DODC Order* at ¶ 16. To the extent necessary, together with the polygon update, the service provider could include an explanation of the basis on which it either made, or did not make, a change to the polygon based each dispute lodged during the period covered by the update.

[30] Notice at ¶¶ 89, 95.

technical standards or reporting regime, or the polygons developed for particular geographic areas or filed by a specific service provider.

USAC, however, has limited expertise in resolving whether broadband is available at a particular location. As the Commission well knows, resolving individual coverage disputes is burdensome, time-consuming, and imprecise. Even the Commission has struggled to resolve disagreements under CAF Phase II as to whether specific locations are served or unserved.[31] Service addresses do not always align well with geocode coordinates, a phenomenon that was revealed clearly by the Broadband Mapping Consortium Pilot Project in Missouri and Virginia,[32] and that is likely to be a far more serious issue in Alaska. It can also be difficult to discern whether broadband service is truly unavailable at the customer's location, or whether other factors may be at work. If the service provider determines that service is available to the customer, and the customer remains dissatisfied, there is already an established informal complaint process through which the customer can escalate the matter to the Commission.

Moreover, in Alaska Communications' experience under CAF Phase II, USAC has imposed filing rules to conform to the limitations of the system they designed (HUBB), but has failed to provide streamlined methods for making edits and updates to service provider data, once filed. This difficulty has severely limited service providers' ability to correct errors they

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[31] *See, e.g*, *Alaska Communications First Challenge Process Order, Alaska Communications Second Challenge Process Order, supra, note 3*.

[32] *Establishing the Digital Opportunity Data Collection*, WC Docket No. 19-195, *Ex Parte* Letter from Jonathan Spalter, USTelecom, Genevieve Morelli, ITTA, and Claude Aiken, WISPA (filed Aug. 20, 2019), Attachment: Jim Stegeman, CostQuest Associates, "Broadband Mapping Initiative: Proof of Concept Summary of Findings," at 7 (reporting that 61 percent of geocoded locations in the Pilot were not at the correct structure location, and 25 percent were off by 100 meters) ("*Broadband Mapping Report*").

uncover prior to audit by USAC, and itself therefore significantly increased the burden of documenting compliance with CAF Phase II.[33]

C. The Commission Should Develop a Broadband-Serviceable Location Fabric, but the Cost Should Not Fall on Individual Service Providers

In the Notice, the Commission correctly acknowledges that the polygon reporting process, by itself, is insufficient to identify the specific customer locations that lack access to broadband.[34] Rather, the Commission proposes to develop nationwide broadband-serviceable location data, and seeks comment on how best to do so.[35] Alaska Communications supports that effort. Under CAF Phase II, the Commission has permitted Alaska Communications to serve a limited number of unserved locations in census blocks that are partially served by a competitive broadband service provider.[36] Alaska Communications spent over two years identifying and geocoding such locations and pursuing the necessary challenge process at the Commission, a process that would have been far simpler and more streamlined if accurate service polygons and broadband-serviceable location data had been available at the time.

Alaska Communications believes that the best and most comprehensive roadmap for developing the necessary data is reflected in the Broadband Mapping Consortium's recent two-state Pilot Project, which identified all broadband-serviceable structures and their locations in Missouri and Virginia. The resulting Broadband-Serviceable Location Fabric highlights both the

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[33] *See, e.g., Establishing the Digital Opportunity Data Collection*, WC Docket No. 19-195, *Ex parte* Letter from Mike Saperstein, Vice President, Policy and Advocacy, USTelecom (filed Sept. 4, 2019) (describing filing challenges with the HUBB, and proposing improvements).

[34] Notice at ¶ 99 (stating that, "simply knowing what parts of a census block lack broadband service does not provide enough information by itself to identify the specific locations within that census block that lack fixed broadband availability").

[35] *Id.*

[36] *Alaska Communications CAF Phase II Order* at ¶ 32.

importance of those data, and the policy choices they enable, but also the challenges of developing such a Fabric, particularly in Alaska.

The *Broadband Mapping Report* reveals significant challenges and the potential for extremely high costs of developing a similar Fabric for Alaska. The development process starts with Tax Assessor and land parcel attribute data to map and categorize parcels.[37] But, in rural and remote areas of Alaska, land parcel data may be unavailable. It may be captured only in paper records stored locally in a Bush community, or it may not exist at all. In the "Unorganized Borough," comprising roughly half of the state, there is no equivalent to a "county" government; rather, government services are provided either directly by the state, or through Alaska Native tribal governments.[38] The extent and quality of land parcel records available in these areas vary widely.

Moreover, development of the Fabric also rests on street address data, and the Broadband Mapping Consortium recommends reporting of addresses in a standard format.[39] In rural and remote areas of Alaska, broadband-serviceable locations may have no conventional street address; rather, the location may simply be described using a street name, a post office box number, geocode coordinates (with attendant variability, as described in the *Broadband Mapping Report*), or a reference to local landmarks, such as "4.2 miles west of the airport." None of these lend themselves readily to being encoded directly on a map, certainly not in a standard format.

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[37] *Broadband Mapping Report* at 26.

[38] *See* Alaska Const., Article X, § 6; Alaska Department of Commerce, Community, and Economic Development, Local Boundary Commission, *Local Government in Alaska* (May 2015), at 11 (describing the origins and status of the Unorganized Borough), *available at:* https://www.commerce.alaska.gov/web/Portals/4/pub/LBC/2015A%20%20LOCAL%20GOVERNMENT%20IN%20ALASKA.pdf.

[39] *Broadband Mapping Report* at 23, 52.

Moreover, as the *Broadband Mapping Report* acknowledges, service providers have incomplete data, at best, on broadband-serviceable locations in their service areas. Over recent decades, countless homes and businesses have been built for which the occupants have never requested fixed service, voice or broadband, from Alaska Communications. As a result, the company's records are not reliable as a comprehensive source of location data.

The Commission should not impose the cost and burden of generating broadband-serviceable location data on any specific service provider. As the Commission considers funding for the creation of such a map, it should develop a budget that includes compensation to service providers for the extraordinary costs of developing and submitting any location data that will be required of them, particularly in areas like Alaska where such data will be particularly difficult to generate. Broadband mapping efforts have routinely been supported by appropriations or awards of government financial assistance, such as under the American Recovery and Reinvestment Act and several subsequent appropriations for that purpose. Further, Alaska Communications has no uniquely superior knowledge of broadband serviceable locations in Alaska that would make it best suited to creating and compiling such data in the state. Thus, to the extent that the Commission orders service providers to do so, it should compensate them accordingly.

D. The Commission Should Sunset the Form 477 as Soon as the First Polygons Are Filed

Finally, the Commission seeks comment on when to sunset the existing Form 477 data collection program.[40] The Commission has correctly recognized that the "data collected on the Form 477 are not sufficient to support the specific imperative of our USF policy goals."[41] While the Commission has left the Form 477 in place on an interim basis until it is able to finalize the

[40] Notice at ¶ 135.

[41] *DODC Order* at ¶ 10.

new data collection process, the Commission should sunset it as soon as that process takes effect. Coverage polygons will be more detailed than the Form 477 census block data, so there is no need to collect both sets of information. Moreover, there is no need to wait for the completion of the broadband-serviceable location fabric before sunsetting the Form 477, because the Form 477 does not provide data on individual customer locations in any event.

Conclusion

For the foregoing reasons, Alaska Communications urges the Commission to implement the new DODC regime so as to minimize the burden of service providers, particularly small providers, as described above. To the extent that the Commission moves forward with the development of broadband-serviceable location data, Alaska Communications urges the Commission to do so in a way that does not impose the costs of doing so on the ILEC, and provides compensation to service providers for the extraordinary costs of developing the necessary location data.

Respectfully submitted,

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